THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.4910 OF 2006

Dated: 13-03-2006

Between

Narender Singh, S/o. Late Mohan Singh,

Occ: Business, R/o. Flat No.405,

Majestic Apartments, Boggulkunta,

Hyderabad and another.

...PETITIONERS

AND

Municipal Corporation of Hyderabad

Rep. by its Commissioner having its

Office at MCH Complex, Tank Bund,

Hyderabad and another.

...RESPONDENTS

ORDER:

Petitioners seek a Writ of Mandamus to declare the action of the respondents in attempting to demolish the cellar portion admeasuring 1710 sq. feet at Prem Chambers bearing Municipal No.16-11-492 & 492A situated at Dilsukhnagar Main Road, Dilsukhnagar, Hyderabad as illegal and arbitrary.

Learned counsel for the petitioners submits that the petitioners have jointly purchased the

basement/cellar floor of Prem Chambers in premises bearing Municipal No.16-11-492 & 492A admeasuring

1710 sq. feet by virtue of registered sale deed vide document No.292/04 executed by its previous owner Dilip Kumar Agarwal.

He further submits that the previous owner obtained permission for commercial complex for the construction of cellar, ground and upper three floors vide permit No.475/04 under file No.349/TP1/91 dated 24.08.1984. He further submits that the basement/cellar portion earmarked for parking space was regularized for the purpose other than parking, as there is sufficient space for parking, as per the orders of the Government in G.O.Ms.No.356 M.A. dated 17.12.1987 vide regularization under file No.405/TP/R(8)/TPS/MCH/HO and vide permit No.201/2048 dated 04.07.1998. Accordingly, the said basement floor, ground floor and the upper floors were regularized by duly levying compounding fee amounting to Rs.55,000/-.

Learned counsel for the petitioners further submits that the respondents, without giving any notice whatsoever, are threatening to demolish the cellar portion of the said premises. He further submits that the petitioners also submitted a representation dated 10.03.2006 to the respondents about the fact of regularization.

Having regard to the facts and circumstances of the case and without expressing any opinion on the merits of the case,

the respondents are directed not to demolish the cellar portion of the petitioners premises and not to dispossess the petitioners without following due process of law and without considering the representation dated 10.03.2006 filed by the petitioners.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

March 13, 2006

Note: Furnish C.C. of the order by 14.03.2006

(**B/o**)

DSK